

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

JOHN CALVIN WINROW, JR.,)
)
Petitioner,)
)
vs.) No. CIV-13-546-C
)
HASKILL HIGGINS,)
)
Respondent.)

ORDER OF DISMISSAL WITH PREJUDICE

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Shon T. Erwin, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Erwin entered a Report and Recommendation on July 22, 2013, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. In his objection, Petitioner merely points out the difficulty of accessing legal materials in his Department of Corrections placements, and asks for equitable tolling. Petitioner's conclusory claim as to inadequate access to legal materials is not sufficient to support equitable tolling. Roderick v. Salzburg, 335 F.App'x 785, 787-88 (10th Cir. 2009).

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, this petition for habeas corpus relief is dismissed with prejudice, as untimely.

IT IS SO ORDERED this 29th day of July, 2013.



ROBIN J. CAUTHRON
United States District Judge